THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 7678 of 1998

Dated: 4.4.2007

Between:

M.Kanthaiah

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C.,
Mancherial, Adilabad District

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 7678 of 1998

Order:

The present writ petition is filed questioning the proceedings No.Peshi/19(62)/96-RM.ADB, dated 10.1.1997 of the Regional Manager. By the said proceedings the Regional Manager set aside the removal order and directed reinstatement of the petitioner as afresh conductor Grade II under Regulation 17 of the APSRTC (Recruitment) Regulations, 1966.

The petitioner is working as a Conductor in the respondents-A.P.S.R.T.C.. On 7.3.1996 he was allotted the duty on route Chinnoor to Karimnagar, while so a check was conducted at Rasoolpally stage, wherein certain cash and ticket irregularities were noticed. Based on the report of the checking officials, a charge memo dated 7.3.19996 was issued to the petitioner. The petitioner submitted his explanation dated 13.3.1996, however not satisfied with the same, an enquiry was ordered and ultimately by proceedings dated 24.10.1996 the petitioner was removed from services. As against the said order, petitioner submitted a review petition to the Regional Manager. On consideration of the matter, the Regional Manager taking a lenient view and on humanitarian consideration modified the punishment and set aside the removal order and ordered reinstatement of the petitioner as afresh conductor Grade II. Hence, the present writ petition.

Learned counsel for petitioner submitted that the Review authority while setting aside the removal order, ought to have reinstated the petitioner with continuity of service and backwages.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

In the present case, after following the due process and after conducting an enquiry, the petitioner was removed from service for the proved misconduct of cash and ticket irregularities. The Review Authority on consideration of the matter, taking a lenient view and on humanitarian considerations has modified the punishment and ordered reinstatement of the petitioner as afresh conductor. The Review Authority in its discretion thought it fit to impose the punishment of denying the service and wages for the proved misconduct and taking a lenient view ordered reinstatement as afresh conductor, and no exception can be taken thereto, more so having regard to the judgment of the apex Court in ***Regional Manager, Rajasthan SRTC v. Sohan Lal***[1], wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of punishment imposed by the disciplinary authority, unless it is shown that the punishment imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 4.4.2007

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[1] (2004) 8 SCC 218